

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

National Bank & Trust Company,

Plaintiff(s),

v.

Case No. 1:04cv789

(Judge Michael H. Watson)

Lee Webb, et al.,

Defendant(s).

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed June 2, 2005 (Doc. 13).

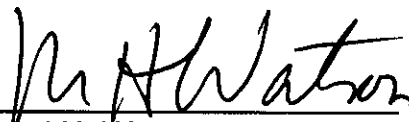
Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's Motion to Dismiss and Sever Defendant Western Surety Company (Doc. 12) is **GRANTED**. Defendant Western Surety Company is severed and NB&T's claims against Defendant Western Surety Company are dismissed with prejudice. This matter shall proceed before Magistrate Judge Timothy S. Black.

bac

July 6, 2005



Michael H. Watson
United States District Judge